

## **NEED FOR SPECIAL EDUCATION EVALUATION AND/OR SERVICES AND APPOINTMENT OF SURROGATE PARENT**

The DCS (Department of Child Safety) Specialist should work cooperatively with the LEA (Local Education Agency) to ensure that a parent, as defined by the Individuals with Disabilities Education Act (IDEA), participates in all decision-making regarding special education evaluation and/or special education services.

“Parent” as defined by IDEA:

- the biological or adoptive parent of a child;
- a foster parent;
- a court-appointed guardian who has been granted “educational rights” (cannot be the State or an employee of a contractor of the State);
- a surrogate parent appointed by ADE.

When a child requires special education evaluation and/or services, DCS Specialists should collaborate with Arizona Early Intervention Program (AZEIP: for children under three) or the Local Education Agency (LEA: for children three and older) to ensure that a parent is determined and advocate that the parent makes a referral to AZEIP or to the child’s LEA to evaluate and/or meet the child’s special education needs.

*A surrogate parent is needed when:*

- 1. a biological or adoptive parent’s educational rights have been suspended/terminated or the parent is unidentifiable or the parent’s whereabouts are unknown;*
- 2. there is no foster parent; or*
- 3. the court has not granted educational rights to a legal guardian.*

Examples of people who may NOT serve as a surrogate parent: the child’s DCS case worker, employees of the child’s group home, the child’s teacher, a guardian who has been granted “medical rights” by the court but not “educational rights.”

People who MAY serve as a surrogate parent: the people listed as available surrogate parents in the ADE Connect database. For information on how to become a surrogate parent, contact the ADE Exceptional Students Services Surrogate Parent Coordinator at 520-770-3175 or go to [azed.gov](http://azed.gov) and search “surrogate parent.”

Note: LEAs, not DCS employees, request surrogate parents.

Finally, to help an LEA determine the necessity of a surrogate parent, the DCS Specialist should work collaboratively with the LEA by providing relevant information such as:

- Court orders suspending/terminating parent’s educational rights;
- Documentation that the parent is unidentifiable;
- Documentation that the parent’s whereabouts are unknown;
- Documentation that the student qualifies as “homeless” under the McKinney-Vento Act;
- Foster parent/kinship foster caregiver information; and
- Legal guardian paperwork as it relates to educational rights.